

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor :	Mark G. Romo et al.	
Appln. No. :	10/784,107	Confirmation No.: 6918
Filed :	February 20, 2004	Group Art Unit: 2874
For :	COMPENSATED VARIABLE OPTICAL ATTENUATOR	Examiner: Sara U. Song
Docket No.:	R11.12-0837	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

FILED ELECTRONICALLY
September 2, 2008

The patents or publications listed on the enclosed PTO Form-1449 are submitted pursuant to 37 C.F.R. § 1.97. Copies of the patents or publications cited are enclosed, except as waived by the Official Gazette notice of August 5, 2003 regarding copies of U.S. Patents and Published Applications.

TIME OF FILING

An information disclosure statement is being filed by the applicant within any one of the following time periods:

1. ☐ 1. Within three month of the filing date of a
national application other that a Continued
Prosecution Application (CPA);
 2. Within three months of the date of entry of the National Stage international
application;
 3. Before the mailing date of a first Office Action on the merits, or
 4. Before the mailing of a first Office Action after the filing of a Request for
Continue Examination (RCE).
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2. ☐ after the time period specified in paragraph 1 above, but before the mailing date of a final

action under 37 C.F.R. § 1.113 or notice of allowance under 37 C.F.R. § 1.311.

Therefore, in accordance with 37 C.F.R. § 1.97(c), submitted herewith is:

(check either A or B below)

- A. ☐ a statement as specified in 37 C.F.R. § 1.97(e).
- B. ☐ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c).

3. X after the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before payment of the issue fee. Therefore, Applicant petitions for consideration and submits herewith:

- A. a statement as specified in 37 C.F.R. § 1.97(e); and
- B. the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT

(only used if No. 2(A) or No. 3 above is checked)

The person(s) signing below certify

(check appropriate paragraph)

- X that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(1).

OR

- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(2).

METHOD OF PAYMENT

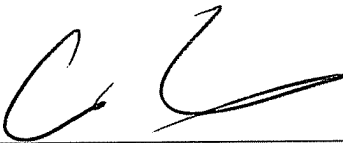
☐ No fee is required.

☒ Attached is a check in the amount of \$ 180.00.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 
Christopher R. Christenson, Reg. No. 42,413
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222
Fax: (612) 334-3312

CRC:lah